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**DOCKET NO. D-2011-019-2**

**DELAWARE RIVER BASIN COMMISSION**

**WG America Company  
Water Bottling Facility Backwash Discharge  
Cumru Township, Berks County, Pennsylvania**

**PROCEEDINGS**

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by WG America Company (docket holder) on December 2, 2016 (Application) for renewal of the docket holder's existing industrial process water discharge. The Pennsylvania Department of Environmental Protection (PADEP) issued National Pollutant Discharge Elimination System (NPDES) Permit No. PA0261963 for the IWTP discharge on August 29, 2013, which was amended on March 3, 2017.

The Application was reviewed for approval under Section 3.8 of the *Delaware River Basin Compact*. The Berks County Planning Commission has been notified of pending action. A public hearing on this project was held by the DRBC on November 15, 2017.

**A. DESCRIPTION**

- 1. Purpose.** The purpose of this docket is to renew approval of an existing discharge of backwash water from the docket holder's existing water bottling facility at an average monthly flow of 0.0625 million gallons per day (mgd) and a maximum daily flow up to 0.075 mgd. This docket also continues approval of a Total Dissolved Solids (TDS) determination consisting of discharge effluent limits of 6,850 mg/l (average monthly) and 19,600 mg/l (maximum instantaneous).
- 2. Location.** The docket holder's East Pointe water bottling facility is located on East Pointe Drive in Cumru Township, Berks County, Pennsylvania. The facility will continue to discharge to the Schuylkill River at River Mile 92.5 – 68.5 (Delaware River - Schuylkill River).

The project process water outfall is located in the Schuylkill River Watershed as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	40° 17' 54"	75° 53' 33"

3. **Area Served.** The docket holder's existing water bottling facility located in Cumru Township, Berks County, Pennsylvania will continue to discharge untreated process water (backwash water from the water bottling process).

For the purpose of defining the Area Served, Section B (Type of Discharge) and D (Service Area) of the docket holder's Application are incorporated herein by reference, to the extent consistent with all other conditions contained in the DECISION Section of this docket.

4. **Physical features.**

a. **Design criteria.** The docket holder's bottling facility discharges backwash water at an average monthly flow of 0.0625 mgd and a maximum daily flow up to 0.075 mgd.

b. **Facilities.** During the water bottling process, a portion of the source water is utilized as process water and cannot be bottled, including draw-down from the distiller, rinse water from the bottle washer, and rinse water from the bottle rinser. Intermittently, excess source water that has been filtered and intended to be bottled is not able to be used because of operational procedures or bottled water regulations, and therefore must also be discharged. The discharge is treated for pH using an acidic solution injected through a metered chemical feed system.

Source water for the bottling facility is imported from the Susquehanna River Basin. The consumptive use for bulk water hauling is approved by the Susquehanna River Basin Commission (SRBC) via Docket No. 20010206-2 for the consumptive use of up to 0.075 mgd, and issued to Jackson and Ethel Perry. Potable water supply is provided by Aqua, Pennsylvania

The project facilities are not located in the 100-year floodplain.

c. **Water withdrawals.** Domestic sanitary wastewater generated at the facility will continue to be sent to the existing Robeson Township Municipal Authority WWTP, approved by the DRBC on July 13, 2011 via Docket No. D-1983-034 CP-2. The potable water supply for the existing bottling facility will continue to be provided groundwater wells owned and operated by Aqua Pennsylvania, as described in detail in DRBC Docket No. D-2002-001 CP-1, which was approved by DRBC on May 8, 2003.

d. **NPDES Permit / DRBC Docket.** NPDES Permit No. PA0361963 was issued by the PADEP on August 29, 2013, amended on March 3, 2017, and includes final effluent limitations for the project discharge to surface waters classified by the PADEP as warm water fishery (WWF). The following average monthly effluent limits for Outfall No. 001, based on a discharge rate of 0.075 mgd, are among those listed in the NPDES permit and meet or are more stringent than the effluent requirements of the DRBC.

**EFFLUENT TABLE A-1: DRBC Parameters Included in NPDES Permit for Outfall No. 001**

<b>OUTFALL 001 (Schuylkill River)</b>		
<b>PARAMETER</b>	<b>LIMIT</b>	<b>MONITORING</b>
pH (Standard Units)	6 to 9 at all times	As required by NPDES Permit
Total Suspended Solids	30 mg/l	As required by NPDES Permit
Temperature	110 ° F (daily maximum)	As required by NPDES Permit
Total Dissolved Solids*	6,850 mg/l (average monthly)** 19,600 mg/l (maximum instantaneous)	As required by NPDES Permit

\* See DECISION Condition C.II.t. of this docket.

\*\* NPDES Permit No. PA0261963 also includes a daily maximum TDS effluent limit of 13,700 mg/l.

## **B. FINDINGS**

The docket holder submitted an Application to renew approval of their industrial process water discharge from their water bottling facility, as well as the TDS determination consisting of effluent limits of 6,850 mg/l (average monthly) and 19,600 mg/l (maximum instantaneous).

### **Facility Name Change**

This docket also effects the owner/facility name change from Shinn Spring Water Company to WG America Company. The name change occurred on June 2, 2016.

### **Total Dissolved Solids (TDS) Determination**

The process water effluent from the facility potentially has TDS concentrations up to 19,600 mg/l. When the facility is discharging all sources of process water (draw-down from the distiller, rinse water from the bottle washer, and rinse water from the bottle rinser), the average monthly flow is not expected to exceed 0.065 mgd and the average monthly concentration is not expected to exceed 6,850 mg/l.

Section 3.10.4.D.2 of the Commission's *Water Quality Regulations (WQR)* states:

*“Total dissolved solids shall not exceed 1000 mg/l, or a concentration established by the Commission which is compatible with designated water uses and stream quality objectives, and recognizes the need for reserve capacity to serve future dischargers.”*

The Commission's basin-wide in-stream TDS criteria is that the receiving stream's resultant TDS concentration be less than 133% of the background (WQR Section 3.10.3.B.1.b.) and the receiving stream's resultant TDS concentration be less than 500 mg/l (WQR Section 3.10.3.B. 2.). The discharge is required to comply with the more stringent of the above in-stream criteria. The 133% of the background TDS requirement is for the protection of aquatic life. The

500 mg/l TDS requirement is to protect the use of the receiving stream as a drinking water source. The EPA's Safe Drinking Water Act secondary standard for TDS is 500 mg/l.

The Commission's numerical stream quality objectives are based on a minimum consecutive 7-day flow with a 10-year recurrence interval ( $Q_{7-10}$ ). Using historical United States Geological Survey (USGS) flow data, DRBC staff estimated the background TDS concentration of the Schuylkill River under  $Q_{7-10}$  conditions at two locations: 1) upstream of the docket holder's outfall (Outfall No. 001) at Schuylkill River Mile 95.6, at USGS Gage No. 01470500 (Berne, PA); and 2) downstream of Outfall No. 001 at Schuylkill River Mile 53.8, at USGS Gage No. 01472000 (Pottstown, PA). The respective TDS concentrations under  $Q_{7-10}$  conditions were 333 mg/l (Berne, PA) and 346 mg/l (Pottstown, PA). In the TDS determination analysis, DRBC staff used the upstream data (Berne, PA) as the best estimate of the in-stream TDS concentration that will be encountered at the docket holder's outfall location on the Schuylkill River. The estimated flow of the Schuylkill River at the Berne Station under  $Q_{7-10}$  flow conditions is 100 mgd.

133% of 333 mg/l is 443 mg/l. Since 443 mg/l is less than the 500 mg/l TDS requirement, the 133% of background requirement is the more stringent of the two Commission in-stream criteria, and therefore the resultant in-stream concentration in the Schuylkill River may not exceed 443 mg/l as a result of the proposed backwash discharge and associated TDS determination.

Using a mass-balance equation, and based on the background TDS concentration and flow in the Schuylkill River of 333 mg/l and 100 mgd, respectively, the TDS in the Schuylkill River would be raised to 347 mg/l by the proposed discharge from Outfall 001 consisting of a maximum TDS concentration of 19,600 mg/l and a maximum flow of 0.075 mgd. 347 mg/l TDS is approximately 104 % of the Schuylkill River's background of 333 mg/l TDS under  $Q_{7-10}$  flow conditions.

Although the discharge exceeds DRBC's basin-wide TDS effluent limit of 1,000 mg/l, DRBC staff determined the discharge to be in conformance with DRBC *WQR* since the in-stream concentrations in the Schuylkill River are not expected to exceed the US EPA's Safe Drinking Water Act's secondary standard for TDS (500 mg/l) nor exceed the Commission's criteria of 133% of background as a result of the proposed discharge. Therefore, approval of the TDS determination consisting of TDS effluent limits of 19,600 mg/l (maximum instantaneous) and 6,850 mg/l (average monthly) for the discharge from Outfall 001 is continued via this docket.

The nearest surface water intake of record for public water supply downstream of the project discharge is on the Schuylkill River and is operated by the Borough of Pottsville, located approximately 12 miles downstream of the project outfall.

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact on the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

The effluent limits in the NPDES Permit are in compliance with Commission effluent quality requirements, where applicable.

The project is designed to produce a discharge meeting the effluent requirements as set forth in the Commission's *WQR*.

### C. DECISION

I. Effective on the approval date for Docket No. D-2011-019-2 below, the project described in Docket D-2011-019-1 is terminated and replaced by Docket No. D-2011-019-1 to the extent that it is not included in Docket No. D-2011-019-2.

II. The project and appurtenant facilities as described in the Section A "Physical features" of this docket are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

a. Docket approval is subject to all conditions, requirements, and limitations imposed by the PADEP in its NPDES permit.

b. The facility and operational records shall be available at all times for inspection by the DRBC.

c. The facility shall be operated at all times to comply with the requirements of the Commission's *WQR* and *Flood Plain Regulations (FPR)*.

d. The docket holder shall comply with the requirements contained in the EFFLUENT TABLES in Section A.4.d. of this docket. The docket holder shall submit the required monitoring results electronically to the DRBC Project Review Section via email [aemr@drbc.state.nj.us](mailto:aemr@drbc.state.nj.us) on the **Annual Effluent Monitoring Report Form** located at this web address: <http://www.state.nj.us/drbc/programs/project/pr/info.html>. The monitoring results shall be submitted annually, absent any observed limit violations, by January 31. If a DRBC effluent limit is violated, the docket holder shall submit the result(s) to the DRBC within 30 days of the violation(s) and provide a written explanation that states the action(s) the docket holder has taken to correct the violation(s) and protect against any future violations.

e. Except as otherwise authorized by this docket, if the docket holder seeks relief from any limitation based upon a DRBC water quality standard or minimum treatment requirement, the docket holder shall apply for approval from the Executive Director or for a

docket revision in accordance with Section 3.8 of the *Compact* and the *Rules of Practice and Procedure*.

f. If at any time the receiving treatment facilities prove unable to produce an effluent that is consistent with the requirements of this docket approval, no further connections shall be permitted until the deficiency is remedied.

g. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

h. The docket holder is permitted to treat and discharge wastewaters as set forth in the Area Served Section of this docket, which incorporates by reference Sections B (Type of Discharge) and D (Service Area) of the docket holder's Application to the extent consistent with all other conditions of this DECISION Section.

i. The docket holder shall discharge wastewater in such a manner as to avoid injury or damage to fish or wildlife and shall avoid any injury to public or private property.

j. No sewer service connections shall be made to newly constructed premises with plumbing fixtures and fittings that do not comply with water conservation performance standards contained in Resolution No. 88-2 (Revision 2).

k. The issuance of this docket approval shall not create any private or proprietary rights in the waters of the Basin, and the Commission reserves the right to amend, suspend or rescind the docket for cause, in order to ensure proper control, use and management of the water resources of the Basin.

l. The docket holder is responsible for timely submittal to the DRBC of a docket renewal application on the appropriate application form including the appropriate docket application filing fee (see 18 CFR 401.43) at least 6 months in advance of the docket expiration date set forth below. The docket holder will be subject to late filed renewal surcharges in the event of untimely submittal of its renewal application, whether or not DRBC issues a reminder notice in advance of the deadline or the docket holder receives such notice. In the event that a timely and complete application for renewal has been submitted and the DRBC is unable, through no fault of the docket holder, to reissue the docket before the expiration date below, the terms and conditions of the current docket will remain fully effective and enforceable against the docket holder pending the grant or denial of the application for docket approval.

m. The docket holder shall be subject to applicable DRBC regulatory program fees, in accordance with duly adopted DRBC resolutions and/or regulations (see 18 CFR 401.43).

n. This approval is transferable by request to the DRBC Executive Director provided that the project purpose and area served approved by the Commission in this docket

will not be materially altered because of the change in project ownership. The request shall be submitted on the appropriate form and be accompanied by the appropriate fee (see 18 CFR 401.43).

o. The docket holder shall request a name change of the entity to which this approval is issued if the name of the entity to which this approval is issued changes its name. The request for name change shall be submitted on the appropriate form and be accompanied by the appropriate fee (see 18 CFR 401.43).

p. The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive Director's judgment such modification or suspension is required to protect the water resources of the Basin.

q. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the Rules of Practice and Procedure. In accordance with Section 15.1(p) of the Delaware River Basin Compact, cases and controversies arising under the Compact are reviewable in the United States district courts.

r. The docket holder may request of the Executive Director in writing the substitution of specific conductance for TDS. The request should include information that supports the effluent specific correlation between TDS and specific conductance. Upon review, the Executive Director may modify the docket to allow the substitution of specific conductance for TDS monitoring.

s. The docket holder is prohibited from treating/pre-treating any hydraulic fracturing wastewater from sources in or out of the Basin at this time. Should the docket holder wish to treat/pre-treat hydraulic fracturing wastewater in the future, the docket holder will need to first apply to the Commission to renew this docket and be issued a revised docket allowing such treatment and an expanded service area. Failure to obtain this approval prior to treatment/pre-treatment will result in action by the Commission.

**BY THE COMMISSION**

**DATE APPROVED:**

**EXPIRATION DATE: August 31, 2023**